

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/12/2021
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RODGER JENKINS and GREGORY JONES	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	19-CV-1774 (VEC)
	:	
	:	<u>ORDER</u>
XPRESSPA GROUP, INC.,	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS the parties appeared before the Court for a conference and oral argument on April 12, 2021;

IT IS HEREBY ORDERED that, for the reasons stated on the record, Plaintiff Jones' motion *in limine* (Dkt. 138) is DENIED, without prejudice to Plaintiff raising an objection to a particular argument or item of evidence at trial that he believes is not admissible under the Rules of Evidence or should be precluded under the doctrine of judicial estoppel.

IT IS FURTHER ORDERED that Defendant's motion *in limine* concerning the maximum amount of Jones' recovery (Dkt. 136) is DENIED. The parties will be permitted to argue at trial the maximum amount of recovery to which Jones is entitled, should he succeed on his breach of contract claim. Defendant's motion *in limine* seeking an order that Federal Rule of Evidence 408 does not preclude admission of the Jenkins demand letter (Dkt. 137) is GRANTED. Plaintiff Jones, however, has reserved his right to object at trial to the admissibility of the letter on an alternative basis.


IT IS FURTHER ORDERED that a bench trial in this matter will commence on **May 17, 2021**. The trial will be fully remote. The Final Pretrial Conference is scheduled for **May 6,**

2021, at 3:00 p.m. The FPTC will be conducted as a video conference. The Court will email the parties a link to access the video conference in advance of the FPTC.

The Clerk of Court is respectfully directed to terminate the open motions at Dkts. 136, 137, and 138.

SO ORDERED.

Date: April 12, 2021
New York, New York


VALERIE CAPRONI
United States District Judge